United States Court of Appeals

for the Second Circuit

SUPPLEMENTAL APPENDIX

76-7317

United States Court of Appeals

FOR THE SECOND CIRCUIT

GEORGE STROGANOFF-SCHERBATOFF,
Plaintiff-Appellant,

—against—

HENRY H. WELDON,
Defendant-Appellee.

GEORGE STROGANOFF-SCHERBATOFF,
Plaintiff-Appellant,

—against—

CHARLES B. WRIGHTSMAN and JAYNE WRIGHTSMAN,
Defendants-Appellees.

GEORGE STROGANOFF-SCHERBATOFF,
Plaintiff-Appellant,

—against—

METROPOLITAN MUSEUM OF ART,
Defendant-Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURT OF APPEALS
FILED
OCT 4 1976
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

ADDITIONAL SOVIET STATUTORY AND CONSTITUTIONAL MATERIALS SUBMITTED TO THE DISTRICT COURT BY DEFENDANTS-APPELLEES WRIGHTSMAN

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MATERIALS FOR THE STUDY OF

THE SOVIET SYSTEM

State and Party Constitutions, Laws, Decrees, Decisions and Official Statements of the Leaders in Translation

Edited by

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Published by
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Ann Arbor, Michigan

1950

Members of the Executive Body
Spiridonova, Mouranov, Zinoviev, Ustinov, Kamkov, Lander, Skulov, Volodarsky, Peterson, Natanson-Bobrov.
Secretaries of the Central Executive Committees
Avanessov, Smoliansky
Chairman of the Soviet of People's Commissaries
V. Ulianov (Lenin)
People's Commissar of Agriculture: A. Koleguev

S.U.R., 1918, No. 25, pp. 327-335; also R.S.F.S.R. Laws 1917-1918, text 346.

47

Trotsky: - Employment of Former Generals
[Excerpt from a Speech]

April 21, 1918

...In order to train the Red Army we are employing... some of the better qualified and more honest of the old generals. I hear these questions: "What?...Is this not a dangerous step?" There is danger in everything. We must have teachers who know something about the science of war. We talk to these generals with complete frankness. We tell them: "There is a new master in the land -- the working class. He needs instructors to teach the toilers...how to fight the bourgeoisie." ...If these generals serve us honestly, we shall give them our full support; if they attempt counter-revolution, we shall find a way of dealing with them. They know that we have eyes everywhere...

L. Trotsky, *Kak vooruzhalas revoliutsiia*, [How the Revolution Armed Itself]. (Moscow, 1923-1925), Vol. I, p. 63-64.

48

Nationalization of Foreign Trade

April 22, 1918

I.

All foreign trade is to be nationalized. Contacts with foreign countries and foreign commercial houses for buying and selling all kinds of products (raw, industrial, agricultural, etc.) are to be made in the name of the Russian Republic by specially authorized organs. Aside from these organs all export and import agreements are forbidden.

Note. Regulations for the import and export of packages and travelers' baggage will be published separately.

II.

The People's Commissariat of Trade and Industry is the organ in charge of nationalized foreign trade.

III.

In connection with the People's Commissariat of Trade and Industry a Council of Foreign Trade is to be formed to organize exporting and importing. The Council is to be composed of representatives of the following departments, institutions, and organizations: (a) the departments of war, navy, agriculture, food, transportation, foreign affairs, and finance; (b) the central organs for the regulation and administration of the different branches of industry (central committees of the tea, sugar, textile industries, etc.) and all branches of the Supreme Council of National Economy; (c) the central organizations of co-operatives; (d) the central organizations of trade, industry, and agriculture; (e) the central organs of trade unions and unions of employees; and (f) the central organs of commercial enterprises for the export and import of important products.

Note. The People's Commissariat of Trade and Industry has the right to include in the Council of Foreign Trade representatives of other organizations not mentioned in this decree.

IV.

The Council of Foreign Trade will act upon the plans of foreign trade approved by the People's Commissariat of Trade and Industry.

The aims of the Council of Foreign Trade include: (a) keeping account of supply and demand of exports and imports; (b) collecting goods for export, using the respective central bureaus of the different industries (sugar center, oil center, etc.), co-operatives or agencies established for that purpose; (c) organization of buying abroad through state buying commissions and agencies, co-operative organization and commercial firms; (d) fixing of prices on exports and imports.

V.

1. The Council of Foreign Trade is to be divided into sections corresponding to each branch of industry and principle item of export and import. The chairman of each of these sections must be a representative of the People's Commissariat of Trade and Industry.

2. The chairman of the general meeting of the Council of Foreign Trade and of its presidium, which is elected at the

general meeting, must be a representative of the People's Commissariat of Trade and Industry.

Note. The internal organization of the Council of Foreign Trade, the number of sections, their duties, rights, and scope of their activities will be determined later.

3. The presidium of the Council will submit the decisions of the sections to the People's Commissariat of Trade and Industry for approval.

VI.

The present decree will become effective from the moment of its publication.

V. Ulianov (Lenin)
President of the Soviet of People's Commissars
Gukovsky, Bronsky, Stalin, Chicherin
People's Commissars

Sbornik dekretov, pp. 235-36.

49

a. Compulsory Military Training

April 22, 1918

...The Workers' and Peasants' Government has for its immediate object the bringing about of universal labor and military service. The effort is opposed by the bourgeoisie, which is not willing to renounce its economic privileges. Through traitorous schemes and wicked plots with foreign imperialists it hopes to get back into power.

To arm the bourgeoisie would mean to introduce strife within the army and thereby weaken it in the fight against the external foes... During this approaching transitional period military training and bearing of arms will be only for the workers and those peasants who do not exploit the labor of others.

Citizens between the ages of 18 and 40, having passed the course of compulsory study, will be put on the service list. At the first call of the Workers' and Peasants' Government it will be their duty to take up arms and fill the ranks of the Red Army...

1. Military training is compulsory for citizens of the Russian Soviet Federated Republic of the following ages: (a) School period -- lower grades as determined by the People's Commissariat of Education. (b) Preparatory Period -- ages 16-18. (c) Military service period -- 18-40. Women, if they wish, may take this course on the same terms as others.

MATERIALS FOR THE STUDY OF

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State and Party Constitutions, Laws, Decrees, Decisions and Official Statements of the Leaders in Translation

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EDWARD S. KOZERA
Radio Free Europe
Munich, Germany

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SECTION

Second, Revised and Enlarged Edition

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Ann Arbor, Michigan

1953

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June 28, 1918

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are liable to the Revolutionary Tribunal and to the full penalty of the law.

6. All private capital belonging to members of the boards of directors, stockholders, and owners of the nationalized enterprises will be attached pending the determination of the relation of such capital to the turnover capital and resources of the enterprises in question.

7. All boards of directors of the nationalized enterprises must prepare at once a financial statement of their respective businesses as of July 1, 1918.

8. The Supreme Council of National Economy is authorized to formulate at once and send to all nationalized plants detailed instructions on the organization connected with the carrying out of the present decree.

9. Enterprises belonging to consumers' cooperative societies ...are not to be nationalized.

10. The present decree becomes effective on the day it is signed.

V. Ulianov, (Lenin)
President of the Soviet of People's Commissars
Tsiurupa, Nogin, Rykov
People's Commissars

S.U.R., No. 47, 1918, pp. 566-70.

54

Constitution (Fundamental Law) of the Russian Socialist Federal Soviet Republic

(Decree of the Fifth All-Russian Congress of Soviets)

July 10, 1918

Declaration of Rights of the Laboring and Exploited Masses.*[1]

Part II

General Principles of the Constitution of the Russian Socialist Federal Soviet Republic

Chapter V

9. The principal object of the Constitution of the Russian Socialist Federal Soviet Republic, a Constitution for the present

[1] Identical with No. 40.

period of transition, consists in the establishment (in the form of a strong Soviet Government) of the dictatorship of the urban and rural workers, combined with the poorer peasantry, to secure the complete suppression of the bourgeoisie, the abolition of the exploitation of man by man, and the establishment of Socialism, under which neither class divisions nor State coercion arising therefrom will any longer exist.

10. The Russian Republic is a free Socialist community of all the workers of Russia. All authority within the Russian Republic is vested in the entire working population of the country, organized in the urban and rural Soviets.

11. The Soviets of regions with special usages and national characteristics of their own may unite in autonomous regional unions, governed (like all other regional unions which may be formed) by regional Congresses of Soviets and their executive organs. These autonomous regional unions enter into the Russian Socialist Federal Soviet Republic on a federal basis.

12. Supreme authority in the Russian Socialist Federal Soviet Republic is vested in the All-Russian Congress of Soviets and, during the period between the Congresses, in the All-Russian Central Executive Committee of Soviets.

13. To ensure for the workers genuine liberty of conscience, the Church is separated from the State and the school from the Church; and freedom of religious and anti-religious propaganda is assured to every citizen.

14. To ensure for the workers effective liberty of opinion, the Russian Socialist Federal Soviet Republic puts an end to the dependence of the press upon capital; transfers to the working class and to the peasants all the technical and material resources necessary for the publication of newspapers, pamphlets, books, and other printed matter; and guarantees their unobstructed circulation throughout the country.

15. To ensure for the workers complete freedom of meeting, the Russian Socialist Federal Soviet Republic, recognizing the right of its citizens freely to organize meetings, processions, and so on, places at the disposal of the workers and peasants all premises convenient for public gatherings, together with lighting, heating and furniture.

16. To ensure for the workers full liberty of association, the Russian Socialist Federal Soviet Republic, which has destroyed the economic and political power of the propertied classes, and has thus removed the obstacles which hitherto in capitalist society prevented the workers and peasants from enjoying freedom of association and action, lends to the workers and peasants all its material and moral assistance to help them to unite and to organize themselves.

17. To ensure for the workers effective access to education the Russian Socialist Federal Soviet Republic sets before itself the task of providing for the workers and poorer peasants a complete, universal, and free education.

18. The Russian Socialist Federal Soviet Republic proclaims it the duty of all citizens to work, on the principle "He that does not work, neither shall he eat."

19. To safeguard in every possible way the conquests of the great workers' and peasants' revolution, the Russian Socialist Federal Soviet Republic declares it the duty of all its citizens to defend the Socialist fatherland, and establishes universal military service. The honour of bearing arms in defence of the revolution is granted only to the workers. The leisured sections of the population will fulfill other military duties.

20. Recognizing the solidarity of the workers of all nations, the Russian Socialist Federal Soviet Republic extends all political rights enjoyed by Russian citizens to foreigners working within the territory of the Russian Republic, provided that they belong to the working class or to the peasantry working without hired labour. It authorizes the local Soviets to confer upon such foreigners, without any annoying formalities, the rights of Russian citizenship.

21. The Russian Socialist Federal Soviet Republic grants the right of asylum to all foreigners persecuted for political and religious offences.

22. The Russian Socialist Federal Soviet Republic, recognizing the equality of all citizens before the law, irrespective of race or nationality, declares it contrary to the fundamental laws of the Republic to institute or tolerate privileges, or any prerogative whatsoever, founded on such grounds, or to repress national minorities, or in any way to limit their rights.

23. In the general interest of the working class, the Russian Socialist Federal Soviet Republic deprives individuals and sections of the community of any privileges which may be used by them to the detriment of the Socialist revolution.

Part III

A. The Organization of the Central Authority

Chapter VI

The All-Russian Congress of Soviets of Workers', Peasants', Cossacks', and Red Army Deputies

24. The All-Russian Congress of Soviets is the supreme authority of the Russian Socialist Federal Soviet Republic.

25. The All-Russian Congress of Soviets is composed of representatives of town Soviets, on the basis of one deputy for every 25,000 electors, and representatives of Provincial Congresses of Soviets, on the basis of one deputy for every 125,000 inhabitants.

Note 1. If a provincial congress of Soviets has not been held before the All-Russian Congress of Soviets, delegates to the latter are sent direct from the county congresses of Soviets.

Note 2. If a regional congress of Soviets immediately precedes the All-Russian Congress of Soviets, delegates to the latter may be sent by the regional congress.

26. The All-Russian Congress of Soviets is convened by the All-Russian Central Executive Committee of Soviets at least twice a year.

27. An extraordinary All-Russian Congress may be convened by the All-Russian Central Executive Committee, either on its own initiative, or at the demand of local Soviets representing in the aggregate at least one-third of the total population of the Republic.

28. The All-Russian Congress of Soviets elects the All-Russian Central Executive Committee, consisting of not more than 200 members.

29. The All-Russian Central Executive Committee is responsible in all matters to the All-Russian Congress of Soviets.

30. In the period between the Congresses, the All-Russian Central Executive Committee is the supreme authority of the Republic.

Chapter VII

The All-Russian Central Executive Committee

31. The All-Russian Central Executive Committee is the supreme legislative, administrative, and controlling body of the Russian Socialist Federal Soviet Republic.

32. The All-Russian Central Executive Committee has the general direction of the Workers' and Peasants' Government, and all government organs throughout the country; unifies and coordinates legislative and administrative work; and superintends the application of the Soviet Constitution, the decrees of the All-Russian Congresses of Soviets, and the decisions of the central organs of government.

33. The All-Russian Central Executive Committee examines and ratifies drafts of decrees and other proposals submitted by the Council of People's Commissaries or individual departments; it also issues its own decrees and regulations.

34. The All-Russian Central Executive Committee convenes

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the All-Russian Congress of Soviets, to which it submits a report of its work, together with statements on general policy and on various detailed questions.

35. The All-Russian Central Executive Committee appoints the Council of People's Commissaries for the general direction of the affairs of the Russian Socialist Federal Soviet Republic; it also appoints the various departments (People's Commissariats), which direct the various branches of administration.

36. The members of the All-Russian Central Executive Committee themselves work in the departments (People's Commissariats), or undertake special work for the All-Russian Central Executive Committee.

Chapter VIII

The Council of People's Commissaries

37. With the Council of People's Commissaries rests the general direction of the affairs of the Republic.

38. With this object, the Council of People's Commissaries issues decrees, orders, and instructions; and takes all general measures necessary to secure prompt and orderly administration.

39. The Council of People's Commissaries immediately informs the All-Russian Central Executive Committee of all its orders and decisions.

40. The All-Russian Executive Committee has the right to annul or suspend any decision or order of the Council of People's Commissaries.

41. All decisions of the Council of People's Commissaries of general political importance are submitted to be examined and ratified by the Central Executive Committee.

Note. Measures of extreme urgency may be enforced on the sole authority of the Council of People's Commissaries.

42. The members of the Council of People's Commissaries are in charge of the various People's Commissariats.

43. There are eighteen People's Commissariats, viz., Foreign Affairs; War; Marine; Home Affairs; Justice; Labour; Social Welfare; Education; Posts and Telegraphs; Nationalities; Finance; Transport; Agriculture; Foreign Trade; Food; State Control; Supreme Economic Council; Health.

44. Attached to each People's Commissary, and under his presidency, is a Board, the members of which are confirmed in their appointments by the Council of People's Commissaries.

45. The People's Commissary has the power personally to make decisions on all questions within the scope of this department, informing his Board on the subject. Should the Board disagree with any decision of the People's Commissary, it has

the right, without stopping the execution of the decision, to bring the question before the Council of People's Commissaries or the Presidium of the All-Russian Central Executive Committee. The right of appeal belongs to every member of the Board.

46. The Council of People's Commissaries is responsible to the All-Russian Congress of Soviets and to the All-Russian Central Executive Committee.

47. The People's Commissaries and their Boards are responsible to the Council of People's Commissaries and to the All-Russian Central Executive Committee.

48. The title of People's Commissary belongs exclusively to the members of the Council of People's Commissaries, controlling the general business of the Russian Socialist Federal Soviet Republic, and no other representative of central or local powers may adopt it.

Chapter IX

The Competence of the All-Russian Congress of Soviets, and of the All-Russian Central Executive Committee

49. Within the competence of the All-Russian Congress of Soviets and the All-Russian Central Executive Committee fall all questions of national importance, namely:

(a) The ratification, alteration, and supplementing of the Constitution of the Russian Socialist Federal Soviet Republic.

(b) The general direction of the external and internal policy of the Russian Socialist Federal Soviet Republic.

(c) The determination and alteration of frontiers, with power to detach any territories of the Russian Socialist Federal Soviet Republic, or to abandon the rights of the Republic in respect thereof.

(d) The establishment of the boundaries and competence of regional unions of Soviets which are part of the Russian Socialist Federal Soviet Republic, and to arbitration in disputes which may arise amongst them.

(e) The admittance of new members into the Russian Socialist Federal Soviet Republic, and the recognition of the severance of those parts which have left the Russian Federation.

(f) The determination of the administrative divisions of the territory of the Republic, and the ratification of regional groupings.

(g) The establishment and modification of the system of weights, measures, and coinage.

(h) Relations with foreign powers, declaration of war and conclusion of peace.

(i) The floating of loans, the negotiation of tariff, commercial and financial agreements.

(j) The establishment of a basis and general outline for the economic life, both as a whole and in its separate branches, of the Russian Socialist Federal Soviet Republic.

(k) The adoption of the budget of the Russian Socialist Federal Soviet Republic.

(l) The levying of taxes and imposition of public duties.

(m) The organization of the armed forces of the Republic.

(n) Legislation, the organization of the judicature of criminal and civil jurisdiction.

(o) The appointment of and recall of both the individual members, the entire Council of People's Commissaries, and the confirmation of the appointment of the Chairman of the Council of People's Commissaries.

(p) The publication of general regulations concerning the acquisition or loss of civic rights by Russian citizens, and also the rights of foreigners within the territory of the Republic

(q) The granting of total or partial amnesties.

50. In addition to the questions enumerated, the All-Russian Congress of Soviets and the All-Russian Central Executive Committee may decide on any other matter which they deem within their jurisdiction.

51. The All-Russian Congress has as its special and exclusive prerogative:

(a) The power of establishing, supplementing, and modifying the fundamental elements of the Soviet Constitution.

(b) The ratification of peace treaties.

52. Questions coming within the scope of clauses (c) and (h) of Article 49 may be dealt with by the All-Russian Central Executive Committee only when it is impossible to convene the All-Russian Congress of Soviets.

B. The Organization of Local Soviet Authority

Chapter X

Congresses of Soviets

53. The Congresses of Soviets are composed as follows:

(a) Regional (Oblast) Congresses. These are composed of representatives of town Soviets and of county congresses; in the case of the latter, in the proportion of one deputy for every 25,000 inhabitants, and in the case of the former, in the proportion of one deputy for every 5,000 electors, with a maximum of 500 deputies for the whole region. They may also be composed of deputies for the provincial congresses of Soviets, elected in the same proportion, if the latter congresses are held immediately before the regional congresses.

(b) Provincial (Gubernia) Congresses. These consist of representatives of the town Soviets and the rural district congresses of Soviets; in the proportion of one deputy for every 10,000 inhabitants in the case of the latter, and in the proportion of one deputy for every 2,000 electors, in the case of the former; with the maximum of 300 deputies for the whole province. If the county congresses of Soviets be held immediately before the provincial congress the election takes place on the same principle, not by the rural district congresses but by the county congresses.

(c) County (Uyezd) Congresses. These are composed of representatives of the village Soviets, in the proportion of one deputy for every 1,000 inhabitants, with a maximum of 300 deputies for the county.

(d) Rural District (Volost) Congresses. These are composed of representatives of all the village Soviets of the rural districts, in the proportion of one deputy for every ten members of the Soviet.

Note 1. In the county congresses are represented the Soviets of towns of not more than 10,000 inhabitants. Soviets of villages of less than 1,000 inhabitants meet together to elect delegates to the county congress.

Note 2. Village Soviets of less than ten members send one delegate to the rural district Congress.

54. The Soviet Congresses are convened by the executive organs of Soviet authority, that is to say, the executive committees, either upon their own initiative or at the demand of local Soviets, if these represent at least a third of the population of the locality. In any case, regional congresses must be held not less than twice a year, provincial and county congresses at least once in three months, and rural district congresses at least once a month.

55. Every congress of Soviets (regional, provincial, county, rural district) elects its own executive committee, with a membership not greater than (a) for regions and provinces, 25; (b) for counties, 20; and (c) for rural districts, 10. The executive committee is responsible to the congress by which it was elected

56. Within the limits of its administration, every congress of Soviets (regional, provincial, county, rural district) is the supreme authority within its own territory; between the congresses its authority is vested in its executive committee.

Chapter XI

Councils of Deputies (Soviets)

57. Councils of Deputies (Soviets), are elected as follows:

(a) In towns - in the proportion of one deputy for every 1,000 inhabitants, with a minimum of 50 and a maximum of 1,000 members.

(b) In the country (farms, hamlets, villages, encampments, small towns with a population of less than 10,000 mountain valleys)--in the proportion of one deputy for every 100 inhabitants, with a minimum of three, and a maximum of fifty members for each locality. Deputies are elected for a period of three months.

Note. In rural localities, wherever this is possible, questions of administration will be directly decided by the general assembly of the electors of the village concerned.

58. For the transaction of current affairs, the Soviet elects an executive committee, composed of not more than five members in the villages, and in the towns with a minimum of three and a maximum of fifteen. (In Petrograd and Moscow, the maximum is forty.) The executive committee is entirely responsible to the Soviet by which it was elected.

59. The Soviet is convened by the executive committee on the initiative of the latter, or at the demand of at least half the members of the Soviet, at least once a week in the towns, and twice a week in the country.

60. The Soviet, within the limits of its administration or, in the case described in the note to paragraph 57, the general assembly of the electors, constitutes the supreme authority for its locality.

Chapter XII

The Competence of the Local Soviet Authorities

61. Regional, provincial, county, and rural district executive organs, as well as the village Soviets take cognizance of the following:

(a) Execution of all instructions issued by the appropriate higher organs of Soviet authority.

(b) Adoption of all appropriate measures for developing the cultural and economic life of their territory.

(c) Solution of all questions of purely local importance.

(d) Unification of all Soviet activities within the limits of their territory.

62. The congresses of Soviets and their executive committees have the right of control over the activities of the local Soviets, i.e., the regional congress exercises control over all the Soviets in its region, the provincial congress has control over all the Soviets in its province, except over those town Soviets which do not enter into the composition of the county congresses. The regional and provincial congresses together with their executive

committees, have the further right of cancelling decisions of Soviets within their respective areas, provided they notify the central Soviet authority in important cases.

63. To ensure the execution of the duties imposed upon the organs of Soviet authority there are created, in connection with every Soviet (town and village) and every executive committee (regional, provincial, county, and rural district), the appropriate departments, under the charge of departmental managers.

Part IV

Electoral Rights

Chapter XIII

64. The right to vote and to be elected to the Soviets belongs to all citizens of the Russian Socialist Federal Soviet Republic without distinction of sex, religion, or nationality, and without any residential qualifications; provided that on the day of the election they have reached the age of eighteen, and are in one of the following categories:

(a) All those who earn their living by productive work useful to society, and those who are engaged in domestic occupations which enable the former to follow their callings, namely, workers and employees of all kinds and categories whether in industry, commerce, agricutlure, etc.; peasants and labouring cossacks who do not employ others for private gain.

(b) Soldiers in the army and navy of the Soviet Republic.

(c) Citizens of the above categories who are incapacitated for work.

Note 1. The local Soviet may, with the approval of the central authority, lower the legal age fixed by this paragraph.

Note 2. In addition to Russian citizens, persons mentioned in paragraph 20 (Part II, Chapter 5) also enjoy electoral rights.

65. The following persons have neither the right to vote nor the right to be elected, even if they are included within one of the above-mentioned categories:

(a) Those who employ others for the sake of profit.

(b) Those who live on income not arising from their own labour, interest on capital, industrial enterprises, landed property, etc.

(c) Private business men, agents, middlemen, etc.

(d) Monks and priests of all religious denominations.

(e) Agents and employees of the former police, special corps of gendarmerie, and secret service; and also members of the late ruling dynasty of Russia.

(f) Persons legally recognized as mentally deranged or imbecile; together with those under wardship.

(g) Persons convicted of infamous or mercenary crimes, during a period fixed by law or by the sentence of the court.

Chapter XIV

Electoral Procedure

66. Elections are conducted according to established practice, on dates fixed by the local Soviet.

67. Elections take place in the presence of an electoral commission and a representative of the local Soviet.

68. Where the presence of a representative of the local Soviet is impossible, his place is taken by the chairman of the electoral commission, and, in his absence, by the chairman of the electoral assembly.

69. A minute is drawn up of the result of the poll. This is signed by the members of the electoral commission and by the representative of the local Soviet.

70. Details of electoral procedure, and the participation of trade union and other labour organizations, are fixed by the local Soviets, in conformity with instructions issued by the All-Russian Central Executive Committee.

Chapter XV

Verification and annulment of Elections, and Recall of Delegates

71. All documents connected with an election are handed over to the Soviet concerned.

72. The electoral results are checked by a credentials commission appointed by the Soviet.

73. This commission reports to the Soviet the result of its inquiry.

74. The Soviet decides as to the validity of a deputy's mandate in the case of a dispute.

75. In the event of the invalidation of any election the Soviet orders a new election.

76. If the election as a whole is irregular, the question of its annulment is decided by the Soviet immediately superior.

77. The All-Russian Central Executive Committee is the final court of appeal.

78. The electors have the right at any time to recall the delegates whom they have sent to the Soviet, and to proceed to new elections.

Part V

Chapter XVI

The National Budget

79. The Russian Socialist Federal Soviet Republic, during the present transitory period of the proletarian dictatorship, adopts a financial policy auxiliary to its fundamental aim of the expropriation of the capitalists and the creation of conditions which will secure the equality of all the citizens of the Republic in the production and distribution of wealth. To this end it aims at placing at the disposal of the organs of Soviet authority all the resources necessary to satisfy the local and national requirements of the Soviet Republic, encrouching without fear upon the rights of private property.

80. The revenue and the expenditure of the Russian Socialist Federal Soviet Republic are embodied in a national budget.

81. The All-Russian Congress of Soviets, or the All-Russian Central Executive Committee, assesses taxation, determines the sources of public revenue, and allocates its distribution between State and the local Soviets.

82. The Soviets can only impose taxation for purely local needs; needs of a general and national character are met by grants from the State Treasury.

83. No expenditure may be made of money from the funds of the State Treasury without an authorized credit in respect thereof in the State estimates, or a special order of the central authority.

84. Credits with the State Treasury, required for purposes of national importance, are opened to local Soviets by order of the appropriate People's Commissary.

85. All credits granted by the State Treasury to the Soviets as well as those allocated by local estimates for purely local requirements, must be expended directly and according to the programme, by paragraphs and clauses, laid down in the estimates; and they cannot be diverted to any other purpose without a special decision of the All-Russian Central Executive Committee or the Council of People's Commissaries.

86. The local Soviets prepare half-yearly and yearly estimates for local needs. The estimates of village Soviets, the rural district executive committees, and of those town Soviets which participate in the County congresses, together with the estimates of the county Soviet authorities, are ratified by the respective provincial and regional congresses, or the executive committees of the latter. The estimates of the town, provincial, and regional Soviet authorities, are ratified by the All-Russian Central Executive Committee and the Council of People's Commissaries.

87. For expenditure not provided for in the estimates, and in cases where the sum allocated by the estimates is insufficient, the Soviets apply for supplementary credits to the appropriate People's Commissariats.

88. Should local resources prove insufficient for local needs, subsidies or loans from the State Treasury to the local Soviets to cover urgent expenditure are authorized by the All-Russian Executive Committee and by the Council of People's Commissaries.

Part VI

The Arms and Flag of the Russian Socialist Federal Soviet Republic

Chapter XVII

89. The arms of the Russian Socialist Federal Soviet Republic consist of a sickle and a hammer, gold upon a red field and in the rays of the sun, the handles crossed and turned downwards: the whole surrounded by a wreath of ears of corn, with the inscription:

(a) "RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC", and,

(b) "WORKERS OF ALL COUNTRIES, UNITE!"

90. The commercial, naval, and military flag of the Russian Socialist Federal Soviet Republic consists of red (scarlet) material, on the upper corner of which, near the staff, are the letters in gold "R.S.F.S.R." or the inscription "Russian Socialist Federal Soviet Republic."

(Here follow the signatures.)

S.U.R., No. 51, 1918, pp. 599-609.

55

The Functions of the Supreme Economic Council[1]

August 8, 1918

1. The Supreme Council of National Economy is the economic section of the Central Executive Committee and is responsible to it as well as to the Soviet of People's Commissars.

2. The Supreme Council of National Economy is to regulate and organize all production and distribution and to manage every enterprise of the Republic.

Note. All decrees and ordinances which the People's Commissariats of Food and Agriculture issued in regard to the distribution of supplies remain in force.

[1] *cf.* No. 26.

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and neglect, (d) to fix disciplinary punishment within the limits determined by law.

Note. In case of disagreement with the proposals of the RKI, the heads of organs and enterprises enumerated in article 12 must immediately submit their objections to the RKI. In case these objections are not accepted by the RKI as sufficient, the matter is submitted to the appropriate legislative organs. (As adopted by the Central Executive Committee and Sovnarkom of the U.S.S.R., November 14, 1924.)

15. To submit to the central and local organs of the U.S.S.R. and to the central organs of the union republics all concrete proposals worked out on the basis of inspections concerning the simplification of the administrative apparatus and the removal of overlapping and inefficiency; to submit concrete proposals concerning the forms of coordination of the activity of individual commissariats or their local organs, as well as the reorganization of the whole system of routine procedure in the institutions or individual departments thereof.

16. The organization and ratification, either directly or through the people's commissariats of the RKI of each union republic, of acts on the organs for the rationalization of the departmental apparatus (bureaus of planning and organization experimental center, nuclei promoting the improvement of the state apparatus); approval of forms for permanent official reports of those organs on the work and condition of the institution, as well as the discharge of the personnel of these organs.

17. The closing and complete liquidation of departmental organs for the rationalization of the state apparatus of the U.S.S.R., of individual scientific research, labor and administrative institutions, and of controlling and inspectional organizations and groups in case their work or their personnel are insufficient.*

S.S.D., 179-186.

79

The First Union Constitution

a. Resolution of the Central Executive Committee, U.S.S.R.

Moscow-Kremlin, July 6, 1923

It is hereby resolved:

1. To ratify the Fundamental Law (Constitution) of the Union of Soviet Socialist Republics and to put it into force immediately.

2. To submit the text of the Fundamental Law (Constitution)

of the Union of Soviet Socialist Republics adopted by the present session of the Central Executive Committee of the Union of Soviet Socialist Republics to the Second Congress of Soviets of the Union of Soviet Socialist Republics for its final ratification.

3. Pending the formation of the Presidium of the Central Executive Committee of the Union of Soviet Socialist Republics in accordance with the provisions of Chapters 4 and 5 of the Constitution of the Union of Soviet Socialist Republics, all the powers granted by the Constitution to the Central Executive Committee of the Union of Soviet Socialist Republics shall be vested in the Presidium of the Central Executive Committee of the Union of Soviet Socialist Republics elected at the first session of the Central Executive Committee of the Union of Soviet Socialist Republics on December 30, 1922 consisting of 19 members.

President of the Central Executive Committee of the Union of Soviet Socialist Republics
M. Kalinin
Secretary of the Central Executive Committee of the Union of Soviet Socialist Republics
A. Yenukidze

Vestnik, No. 2, Text 46.

b. Resolution of the Second Congress of Soviets, U.S.S.R.

Moscow, January 13, 1924

Having heard the report of Comrade A.S. Yenukidze on the ratification of the Fundamental Law (Constitution) of the Union of Soviet Socialist Republics, the Second Congress of Soviets of the Union of Soviet Socialist Republics resolves:

To ratify the Fundamental Law (Constitution) of the Union of Soviet Socialist Republics submitted in pursuance of the resolution of the First Congress of Soviets of the Union of Soviet Socialist Republics to the Second Congress of Soviets of the Union of Soviet Socialist Republics for final ratification.

President of the Second Congress of Soviets of the Union of Soviet Socialist Republics:
M. Kalinin
Secretary of the Second Congress of Soviets of the Union of Soviet Socialist Republics:
A. Yenukidze

c. Text of the Constitution of the Union of Socialist Soviet Republics

Part I

Declaration

Since the foundation of the Soviet Republics, the States of the world have been divided into two camps; the camp of Capitalism and the camp of Socialism.

There, in the camp of Capitalism: national hate and inequality, colonial slavery and chauvinism, national oppression and massacres, brutalities and imperialistic wars.

Here, in the camp of Socialism: reciprocal confidence and peace, national liberty and equality, the pacific co-existence and fraternal collaboration of peoples.

The attempts made by the capitalistic world during the past ten years to decide the question of nationalities by bringing together the principle of the free development of peoples with a system of exploitation of man by man have been fruitless. In addition, the number of national conflicts becomes more and more confusing, even menacing the capitalistic regime. The bourgeoisie has proven itself incapable of realizing a harmonious collaboration of the peoples.

It is only in the camp of the Soviets; it is only under the conditions of the dictatorship of the proletariat that has grouped around itself the majority of the people, that it has been possible to eliminate the oppression of nationalities, to create an atmosphere of mutual confidence and to establish the basis of a fraternal collaboration of peoples.

It is only thanks to these circumstances that the Soviet Republics have succeeded in repulsing the imperialistic attacks both internally and externally; it is only thanks to them that the Soviet Republics have succeeded in satisfactorily ending a civil war, in assuring their existence and in dedicating themselves to pacific economic reconstruction.

But the years of the war have not passed without leaving their trace. The devasted fields, the closed factories, the forces of production destroyed and the economic resources exhausted, this heritage of the war renders insufficient the isolated economic efforts of the several Republics. National economic reestablishment is impossible as long as the Republics remain separated.

On the other hand, the instability of the international situation and the danger of new attacks make inevitable the creation of a united front of the Soviet Republics in the presence of capitalistic surroundings.

Finally, the very structure of Soviet power, international by nature of class, pushes the masses of workers of the Soviet Republics to unite in one socialist family.

All these considerations insistently demand the union of the Soviet Republics into one federated State capable of guaranteeing security against the exterior, economic prosperity internally, and the free national development of peoples.

The will of the peoples of the Soviet Republics recently assembled in Congress, where they decide unanimously to form the "Union of Socialist Soviet Republics," is a sure guarantee

that this Union is a free federation of peoples equal in rights, that the right to freely withdraw from the Union is assured to each Republic, that access to the Union is open to all Republics already existing, as well as those that may be born in the future, that the new federal state will be the worthy crowning of the principles laid down as early as October 1917, of the pacific co-existence and fraternal collaboration of peoples, that it will serve as a bulwark against the capitalistic world and mark a new decisive step towards the union of workers of all countries in one World Wide Socialist Soviet Republic.

Part II

Treaty

The Russian Socialist Federal Soviet Republic, the Socialist Soviet Republic of Ukraine, the Socialist Soviet Republic of White Russia, and the Socialist Soviet Republic of Transcaucasia (including the Socialist Soviet Republic of Azerbaijan, the Socialist Soviet Republic of Georgia, and the Socialist Soviet Republic of Armenia) --unite themselves in one federal State--"The Union of Socialist Soviet Republics."[1]

Chapter I

Attributions of the Supreme Organs of Power of the Union

ARTICLE 1. The Union of Socialist Soviet Republics through its supreme organs has the following powers:

(a) To represent the Union in its international relations; to conclude all diplomatic relations; to conclude treaties, political and otherwise, with other States;

(b) To modify the exterior frontiers of the Union, as well as to regulate questions concerning the modification of frontiers between the member Republics;

(c) To conclude treaties concerning the reception of new Republics into the Union;

(d) To declare war and to conclude peace;

(e) To conclude internal and external loans of the Union and to authorize internal and external loans of the member Republics;

(f) To ratify international treaties;

(g) To direct commerce with foreign countries and to determine the system of internal commerce;

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[1] Amended April 18, 1925, "so as to include the Socialist Republic of Turkmenia and the Socialist Republic of Uzbek."

(h) To establish the bases and the general plan of all national economy of the Union; to define the domains of industry and industrial enterprises that are of federal interest; to conclude treaties of concession both federal and in the name of the member Republics;

(i) To direct transportation and the postal and telegraph services;

(j) To organize and direct the armed forces of the Union;

(k) To approve the budget of the Federal State which includes the budgets of the member Republics; to establish duties and federal revenues, making additions and reductions in order to balance the member Republics' budgets; to authorize duties and supplementary taxes to meet the member Republics' budgets;

(l) To establish a uniform system of money and credit;

(m) To establish general principles of exploitation and use of the earth, as well as those of the sub-soil, the forests, and the waters of the territories of the Union;

(n) To establish federal legislation on the emigration from the territory of one of the Republics to the territory of another and to set up a fund for such emigration;

(o) To establish principles of the judicial organization and procedure, as well as civil and criminal legislation for the Union;

(p) To establish the fundamental laws regarding work;

(q) To establish the general principles regarding public instruction;

(r) To establish the general measures regarding public hygiene;

(s) To establish a standard system of weights and measures;

(t) To organize federal statistics;

(u) To fix the fundamental legislation regarding federal nationality, with reference to the rights of foreigners;

(v) To exercise the right of amnesty in all territories of the Union;

(w) To abrogate the acts of the Congresses of the Soviets and the Central Executive Committees of the member Republics contrary to the present Constitution;

(x) To arbitrate litigious questions between the member Republics.

ARTICLE 2. The approval and modification of the fundamental principles of the present Constitution belong exclusively to the Congress of Soviets of the Union of Socialist Soviet Republics.

Chapter II

Sovereign Rights of the Member Republics

ARTICLE 3. The Sovereignty of the member Republics is limited only in the matters indicated in the present Constitution, as coming within the competence of the Union. Outside of those limits, each member Republic exerts its public powers independently; the Union of S.S.R. protects the rights of member Republics.

ARTICLE 4. Each one of the member Republics retains the right to freely withdraw from the union.

ARTICLE 5. The member Republics will make changes in their Constitutions to conform with the present Constitution.

ARTICLE 6. The territory of the member Republics cannot be modified without their consent; also, any limitation or modification or suppression of Article 4 must have the approval of all the member Republics of the Union.

ARTICLE 7. Just one federal nationality is established for the citizens of the member Republics.

Chapter III

Congress of Soviets of the Union

ARTICLE 8. The supreme organ of power of the Union of S.S.R. is the Congress of Soviets, and, in the recesses of the Congress of Soviets--the Central Executive Committee of the Union of S.S.R. which is composed of the Federal Soviet and the Soviet of Nationalities.

ARTICLE 9. The Congress of Soviets of the Union of S.S.R. is composed of representatives of the urban Soviets and of the Soviets of the urban type on the basis of one deputy per 25,000 electors, and of representatives of the Congresses of Soviets of the rural districts on the basis of one deputy per 125,000 inhabitants.

ARTICLE 10. The delegates to the Congress of the Soviets of the Union of S.S.R. are elected in the Congresses of Soviets of the rural and urban governments. In the Republics where there does not exist a rural (guberni) division, the delegates are elected directly to the Congress of Soviets of the respective Republic.

ARTICLE 11. Regular sessions of the Congress of the Soviets

of the Union of S.S.R. are convoked by the Central Executive Committee of the Union once yearly; extraordinary sessions may be convoked on decision of the C.E.C. (Central Executive Committee), or on the demand of the Federal Soviet, or of the Soviet of Nationalities, or on the demand of two member Republics.

ARTICLE 12. In cases where extraordinary circumstances interfere with the meeting of the Congress of Soviets of the Union of S.S.R. on the date set, the C.E.C. of the Union has the power to adjourn the meeting of Congress.

Chapter IV

The Central Executive Committee of the Union

ARTICLE 13. The Central Executive Committee (C.E.C.) of the Union of S.S.R. is composed of the Federal Soviet and the Soviet of Nationalities.

ARTICLE 14. The Congress of Soviets of the Union of S.S.R. elects the Federal Soviet from among the representatives of the member Republics in proportion to the population of each one to make a grand total of 371 members.

ARTICLE 15. The Soviet of Nationalities is composed of representatives of the member Republics and associated autonomous Republics of the R.S.F.S.R. on the basis of five representatives for each member Republic, and one representative for each associated autonomous Republic. The composition of the Soviet of Nationalities in its entirety is approved by the Congress of the Union of S.S.R.

(The autonomous Republics of Adjaria, and Abkhasia and the autonomous region of Osetia, each send a representative to the Soviet of Nationalities.)

ARTICLE 16. The Federal Soviet and the Soviet of Nationalities examine all decrees, codes, and acts that are presented to them by the Presidium of the C.E.C. and by the Council of Commissioners of the People of the Union of S.S.R., by the different Commissions of the People of the Union, by the C.E.C. of the member Republics, as well as those that owe their origin to the Federal Soviet and the Soviet of Nationalities.

ARTICLE 17. The C.E.C. of the Union publishes the codes, decrees, acts, and ordinances; orders the work of legislation and administration of the Union of S.S.R., and defines the sphere

of activity of the Presidium of the C.E.C. and of the Council of Commissioners of the People of the Union of S.S.R.

ARTICLE 18. All decrees and acts defining the general rules of the political and economic life of the Union of S.S.R., or making radical modifications in the existing practices of public organs of the Union of S.S.R. must obligatorily be submitted for examination and approval to the C.E.C. of the Union of S.S.R.

ARTICLE 19. All decrees, acts, and ordinances promulgated by the C.E.C. must be immediately put into force throughout all the territory of the Union of S.S.R.

ARTICLE 20. The C.E.C. of the Union of S.S.R. has the right to suspend or abrogate the decrees, acts, and orders of the Presidium of the C.E.C. of the Union of S.S.R., as well as those of the Congress of Soviets and of the C.E.C. of the Member Republics, and all other organs of power throughout the territory of the Union of S.S.R.

ARTICLE 21. The ordinary sessions of the C.E.C. of the Union of S.S.R. are convoked by the Presidium of the C.E.C. three times yearly. The extraordinary sessions are convoked by the Presidium of the C.E.C. of the Union of S.S.R. on the demand of the Presidium of the Federal Soviet of the Presidium of the Soviet nationalities, and also on demand of one of the C.E.C. of the member Republics.

ARTICLE 22. The projects of law submitted for examination to the C.E.C. of the Union of S.S.R. do not have the force of law until adopted by the Federal Soviet and by the Soviet of Nationalities; they are published in the name of the C.E.C. of the Union of S.S.R.

ARTICLE 23. In case of disagreement between the Federal Soviet and the Soviet of Nationalities, the question is transmitted to a compromise committee chosen by the two of them.

ARTICLE 24. If an accord is not reached by the compromise committee, the question is transferred for examination to a joint meeting of the Federal Soviet and the Soviet of Nationalities; and, if neither the Federal Soviet nor the Soviet of Nationalities get a majority, then the question may be submitted, on the demand of one of these organs to the decision of an ordinary or extraordinary Congress of the Union of S.S.R.

ARTICLE 25. The Federal Soviet and the Soviet of Nationalities elect for the preparation of their sessions and the direction of their work--their Presidiums, composed of seven members each.[2]

ARTICLE 26. Between sessions of the C.E.C. of the Union of S.S.R., the supreme organ of power is the Presidium of the Union of S.S.R., constituted by the C.E.C. to the extent of 21 members,[3] including the Presidium of the Federal Soviet and the Presidium of the Soviet of Nationalities.

To form the Presidium of the C.E.C. and the Council of Commissioners of the People of the Union of S.S.R., conformably to Articles 26 and 37 of the present Constitution, joint sessions of the Federal Soviet and of the Soviet of Nationalities are convoked. In the joint session of the Federal Soviet and the Soviet of Nationalities, the vote is taken separately within each group.

ARTICLE 27. The C.E.C. elects, in accordance with the number of member Republics, 4 Presidents of the C.E.C. of the Union of S.S.R. from among the members of the Presidium of the C.E.C. of the Union of S.S.R.[4]

ARTICLE 28. The C.E.C. of the Union of S.S.R. is responsible before the Congress of Soviets of the Union of S.S.R.

Chapter V

The Presidium of the C.E.C. of the Union

ARTICLE 29. Between sessions of the C.E.C. of the Union of S.S.R., the Presidium of the C.E.C. of the Union of S.S.R. is the supreme organ of legislative, executive, and administrative power of the Union of S.S.R.

ARTICLE 30. The Presidium of the C.E.C. of the Union of S.S.R. oversees the enforcement of the Constitution of the Union of S.S.R. and the execution of all decisions of the Congress of Soviets and the C.E.C. of the Union of S.S.R. by all the public agents.

ARTICLE 31. The Presidium of the C.E.C. of the Union of S.S.R. has the right to suspend and abrogate the orders of the Council of Commissioners of the People and of the different Coun-

[2]Amendment May 20, 1925: "composed of nine members each."

[3]Amendment May 20, 1925: "to the extent of 27 members."

[4]Amendment May 20, 1925: the word 'four' was replaced by 'the'.

cils of the People of the Union of the S.S.R. as well as those of the C.E.C. and C.C.P. (Councils of Commissioners of the People) of the member Republics.

ARTICLE 32. The Presidium of the C.E.C. of the Union of S.S.R. has the right to suspend the acts of the Congresses of Soviets of the member Republics submitting afterwards these acts for the examination and approval of the C.E.C. of the Union of S.S.R.

ARTICLE 33. The Presidium of the C.E.C. of the Union of S.S.R. promulgates the decrees, acts, and orders; examines and approves the projects of decrees and acts deposited by the C.C.P., by the different authorities of the Union of S.S.R., by the C.E.C. of the member Republics, by their Presidiums and by other organs of power.

ARTICLE 34. The decrees and decisions of the C.E.C., of its Presidium, and the C.C.P. of the Union of S.S.R. are printed in the languages generally employed in the member Republics: Russian, Ukranian, White Russian, Georgian, Armenian, Turko-Tartarian.

ARTICLE 35. The Presidium of the C.E.C. of the Union of S.S.R. decides questions regarding the relationships between the C.C.P. of the Union of S.S.R. and the Commissioners of the People of the Union of S.S.R., for one part and the C.E.C. of the member Republics and their Presidiums, for the second part.

ARTICLE 36. The Presidium of the C.E.C. of the Union of S.S.R. is responsible before the C.E.C. of the Union of S.S.R.

Chapter VI

Council of Commissioners of the People of the Union

ARTICLE 37. The Council of Commissioners of the People (C.C.P.) of the Union of S.S.R. is the executive and administrative organ of the C.E.C. of the Union of S.S.R. and is constituted by the C.E.C. as follows:

(a) The President of the Council of Commissioners of the People of the Union of S.S.R.,

(b) The Vice-Presidents,

(c) The Commissioner of the People for Foreign Affairs,

(d) The Commissioner of the People for Military and Naval Affairs,

(e) The Commissioner of the People for Foreign Commerce,
(f) The Commissioner of the People for Ways of Communication,
(g) The Commissioner of the People for Postal and Telegraphic Service,
(h) The Commissioner of the People for the Inspection of Workers and Peasants,
(i) The President of the Supreme Council of National Economy,
(j) The Commissioner of the People for Labor,
(k) The Commissioner of the People for Finances,
(l) The Commissioner of the People for Supplies.[5]

ARTICLE 38. The Council of Commissioners of the People of the Union of S.S.R., in the limits of the powers granted to it by the C.E.C. of the Union of S.S.R. and on the basis of rules regulating the C.C.P. of the Union of S.S.R., publishes the decrees and decisions that must become effective throughout the territory of the Union of S.S.R.

ARTICLE 39. The C.C.P. of the Union of S.S.R. examines the decrees and decisions given it by the various Commissions of the People as well as those from the C.E.C. of the member Republics and by their Presidiums.

ARTICLE 40. The C.C.P. of the Union of S.S.R. is responsible for all its work before the C.E.C. of the Union of S.S.R. and before its Presidium.

ARTICLE 41. The orders and acts of the C.C.P. of the Union of S.S.R. may be suspended and abrogated by the C.E.C. of the Union of S.S.R. and by its Presidium.

ARTICLE 42. The Central Executive Committees of the member Republics and their Presidiums may object to the decrees and orders of the C.C.P. of the Union of S.S.R. to the Presidium of the C.E.C. of the Union of S.S.R., without suspending the execution of these orders.

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[5]Amendment October 24, 1924: "The Commissioner of the People for Domestic Commerce." The same change was made in Articles 52b, 67f and 68.

Chapter VII

The Supreme Court of the Union

ARTICLE 43. In order to maintain revolutionary legality within the territory of the Union of S.S.R., a Supreme Court under the jurisdiction of the C.E.C. of the Union of S.S.R. is established, competent:

(a) To give the Supreme Courts of the member Republics the authentic interpretations on questions of federal legislation;

(b) To examine, on the request of the Prosecutor of the Supreme Court of the Union of S.S.R., the decrees, decisions, and verdicts of the Supreme Courts of the member Republics, with view of discovering any infraction of the federal laws, or harming the interests of other Republics, and if such be discovered to bring them before the C.E.C. of the Union of S.S.R.

(c) To render decisions on the request of the C.E.C. of the Union of S.S.R., as to the constitutionality of laws passed by the member Republics;

(d) To settle legal disputes between the member Republics;

(e) To examine the accusations brought before it of high officials against whom charges have been made relative to their performance of duties.

ARTICLE 44. The Supreme Court performs its functions in the following manner:

(a) With a full attendance of the member judges of the Supreme Court of the Union of S.S.R.;

(b) Or, in a meeting of the Civil Judiciary College and the Criminal Judiciary College of the Supreme Court of the Union of S.S.R.;

(c) Or, in a meeting of the Military College.

ARTICLE 45. The Supreme Court of the Union of S.S.R., in full session, is composed of 11 members,[6] including its President and Vice-President, the four Presidents of the Supreme Courts of the member Republics, and a representative of the Unified Political Administration of the State of the Union of S.S.R., the President and the Vice-President and the other five members are named by the Presidium of the C.E.C. of the Union of S.S.R.

ARTICLE 46. The Prosecutor of the Supreme Court of the Union of S.S.R. and his assistant are named by the Presidium of the C.E.C. of the Union of S.S.R. The Prosecutor of the Supreme Court of the Union of S.S.R. is charged with the duties; (1) to give the decisions of all questions in the jurisdiction of the Su-

[6] Amendment May 20, 1925: "15 members."

preme Court of the Union of S.S.R., (2) to prosecute the cases brought before the Court, (3) and, in cases of lack of agreement among the judges of the Supreme Court of the Union of S.S.R., to bring these questions of dispute before the Presidium of the C.E.C. of the S.S.R.

ARTICLE 47. The right to submit the questions referred to in Article 43 to the Supreme Court of the Union of S.S.R. for examination belongs exclusively to the C.E.C. of the Union of S.S.R., to its Presidium, to the Prosecutor of the Supreme Courts of the member Republics, and to the Unified Political Administration of the State of the Union of S.S.R.

ARTICLE 48. The regular sessions of the Supreme Court of the Union of S.S.R. constitute the special legal chambers to examine:

(a) The civil and criminal affairs of exceptional importance that are of interest to two or more member Republics;

(b) Personal charges against members of the C.E.C. and the C.C.P. of the Union of S.S.R.

A decision of the Supreme Court of the Union of S.S.R. to proceed to examine a case may take place only after special authority has been granted for each case by the C.E.C. of the Union or its Presidium.

Chapter VIII

Commissioners of the People of the Union

ARTICLE 49. For the immediate direction of the several branches of public administration, attributed to the C.C.P. of the Union of the S.S.R., 10 Commissioners of the People are created as mentioned in Article 37 of the Present Constitution and who act according to the regulations of the Commissioners of the People approved by the C.E.C. of the Union of the S.S.R.

ARTICLE 50. The Commissioners of the People of the Union of S.S.R. are divided into the following groups:

(a) Commissioners of the People handling strictly federal matters of the Union of S.S.R. that are external in character;

(b) Commissioners of the People handling matters that are purely domestic in character.

ARTICLE 51. The first group of Commissioners handling matters external in character includes the following Commissioners of the People:

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(a) For Foreign Affairs,
(b) For Military and Naval Affairs,
(c) For Foreign Commerce,
(d) For Ways of Communication,
(e) For Postal and Telegraphic Service.

ARTICLE 52. The second group handling matters that are strictly domestic in character includes the following Commissioners of the People:

(a) The Council of National Economy,
(b) For Supplies,
(c) For Labor,
(d) For Finances,
(e) For the Inspection of Workers and Peasants.

ARTICLE 53. The Commissioners of the People handling matters of purely external character have, in the various member Republics, their delegates directly subordinate to these Commissioners.

ARTICLE 54. The Commissioners of the People handling matters of domestic concern have, as executing organs in the various member Republics, the Commissioners of the People of these Republics of similar title.

ARTICLE 55. The C.C.P. of the Union of S.S.R., including the individual Commissioners, are the heads of the various departments mentioned.

ARTICLE 56. Under each Commissioner of the People, and under his presidency, is formed a college, of which the members are named by the C.C.P of the Union of S.S.P.

ARTICLE 57. The Commissioner of the People has the right to personally take decisions on all questions that come within the jurisdiction of his department, on advising the College of his department of his act. In case of disagreement on any decision of the Commissioner of the People, the College, or its members separately, may bring the dispute before the C.C.P. of the Union of S.S.R., without suspending the act of the Commissioner.

ARTICLE 58. The orders of the different Commissioners of the People of the Union may be abrogated by the Presidium of the C.E.C. and by the C.C.P. of the Union of S.S.R.

ARTICLE 59. The orders of the Commissioners of the People of the Union of S.S.R. may be suspended by the C.E.C. or by the Presidiums of the C.E.C. of the member Republic in case of evident incompatibility of these orders with the Federal Constitution, with federal legislation or with legislation of the member Republic. This suspension is immediately communicated by the C.E.C. or by the Presidiums of the C.E.C. of the member Republics to the C.C.P. of the Union of S.S.R. and to the proper Commissioner of the People of the Union of S.S.R.

ARTICLE 60. The Commissioners of the People of the Union of S.S.R. are responsible before the C.C.P., the C.E.C. of the Union of S.S.R. and its Presidium.

Chapter IX

The Unified Political Administration of State

ARTICLE 61. In view of unifying the revolutionary efforts of the member Republics in their struggle against the political and economic counter-revolution, spying and banditry, there shall be created under the jurisdiction of the C.C.P. of the Union of S.S.R., a Unified Political Administration of State (G.P.U.) of which the President shall be a consulting member of the C.C.P. of the Union of S.S.R.

ARTICLE 62. The G.P.U. of the Union of S.S.R. directs the activities of the local organs of G.P.U. through its delegates under the jurisdiction of the C.C.P. of the member Republics, acting in virtue of a special ruling sanctioned through legislative channels.

ARTICLE 63. The overseeing of acts of the G.P.U. as to their legality shall be in charge of the Prosecutor of the Supreme Court of the Union of S.S.R. in virtue of a special ruling of the C.E.C. of the Union of S.S.R.

Chapter X

The Member Republics

ARTICLE 64. Within the limits of the territory of each member Republic the supreme organ of power is the Congress of Soviets of the Republic, and in Congressional recesses, its Central Executive Committee.

ARTICLE 65. The relations between the supreme organs of

power of the member Republics and the supreme organs of power of the Union of S.S.R. are established by the present Constitution.

ARTICLE 66. The C.E.C. of the member Republics elect from among their own membership the Presidiums that in the recesses between sessions of the C.E.C. are the Supreme organs of power.

ARTICLE 67. The C.E.C. of the member Republics will form their executive organs--the Councils of Commissioners of the People, as follows:

(a) The President of the Council of Commissioners of the People,

(b) The Vice-Presidents.

(c) The President of the Supreme Council for National Economy,

(d) The Commissioner of the People for Agriculture,

(e) The Commissioner of the People for Finances,

(f) The Commissioner of the People for Supplies,

(g) The Commissioner of the People for Labor,

(h) The Commissioner of the People for the Interior,

(i) The Commissioner of the People for Justice,

(j) The Commissioner of the People for the Inspection of the Workers and Peasants,

(k) The Commissioner of the People for Public Instruction,

(l) The Commissioner of the People for Public Health,

(m) The Commissioner of the People for Social Precaution,

and in addition, and with a voice either consultative or deliberative, according to the decision of the C.E.C. of the member Republics, Delegates of the Commissioners of the People of the Union of S.S.R. for Foreign Affairs, for Military and Naval Affairs, for Foreign Commerce, for Ways of Communication, for Postal and Telegraphic Service.

ARTICLE 68. The Supreme Council of National Economy and the Commissioners of Supplies, of Finances, of Labor, of the Inspection of Workers and Peasants of the member Republics, while being subordinate to the C.E.C. and C.C.P. of the member Republics, will execute the orders of the C.C.P. of the Union of S.S.R.

ARTICLE 69. The right of amnesty, as well as the right of pardon and the rehabilitation of citizens condemned by the judicial and administrative organs of the member Republics belongs to the C.E.C. of these Republics.

Chapter XI

Arms, Flag and Capital of the Union

ARTICLE 70. The insignia of the State of the Union of S.S.R. is composed of a sickle and a hammer on an earthly globe, surrounded by sun rays and framed with wheat stalks, with an inscription in the six languages mentioned in Article 34: "Proletarians of all countries, unite!" Above the insignia, there shall be a five pointed star.

ARTICLE 71. The flag of the State of the Union of S.S.R. shall be in red or vermillion cloth with the arms of the Union.

ARTICLE 72. The Capital of the Union of S.S.R. is Moscow.

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OGPU (U.S.S.R.)[1]

Decree of the Presidium of the Central Executive Committee (Ratified at the Second Session of the Central Executive Committee of the U.S.S.R., October 24, 1924) Organizing the Unified State Political Administration of the Soviet Federation.

November 15, 1923

1. In conformity with Article 61 of the Constitution of the U.S.S.R., and in order to consolidate the revolutionary efforts of the republics in their struggle against the political and economic counter-revolution, espionage, and banditism, the OGPU shall be created in the Sovnarkom of the U.S.S.R.

2. The president of the OGPU and his deputy are appointed by the presidium of the TsIK of the U.S.S.R. The President and his deputy are members of the sovnarkom of the U.S.S.R. with the right of advisory vote.

3. To the president of the OGPU of the U.S.S.R. is attached a collegium, the members of which are appointed with the consent of the sovnarkom of the U.S.S.R. and have all rights of the members of the collegia of people's commissariats of the U.S.S.R.

4. Within the jurisdiction of the OGPU fall:

(a) Direction of the activity of all state political administrations of the union republics and special departments of the military circuits subordinate thereto, as well as of the activity of all organs of transportation of the state political administra-

[1] *cf.* No. 79, (Constitution U.S.S.R., 1923-1924) Article 61-63.

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